

# EXHIBIT 3

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15 *Counsel for Plaintiffs and the Proposed Class*

16

17 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

18

19 DIANNE BENTLEY, *et al.*,  
20 Plaintiffs,  
21 vs.  
22 GOOGLE LLC, *et al.*,  
23 Defendants.

24 CASE NO. 4:20-cv-07079-JD

25

26 **DECLARATION OF PEGGY J.  
WEDGWORTH IN SUPPORT OF  
MOTION TO APPOINT INTERIM  
CLASS COUNSEL**

27 Related Actions:

28 *Epic Games, Inc. v. Google LLC, et al.*, 3:20-cv-05671-JD

*Carr v. Google LLC, et al.*, 5:20-cv-05761-JD  
*Pure Sweat Basketball, Inc., et al. v. Google LLC, et al.*, 3:20-cv-05792-JD

*Peekya App. Serv., Inc. et al. v. Google LLC, et al.*, 3:20-cv-06772-JD

1 I, Peggy J. Wedgworth, Esq., hereby declare as follows:

2 1. I am a managing partner and Chair of the Antitrust Practice Group at Milberg Phillips  
3 Grossman LLP (“Milberg”), and I represent Plaintiffs Diane Bentley, Katherine Hansen, Dennis  
4 Lockhart, Francis MacAulay, Katie Vesco and Daniel Watt and the proposed consumer class  
5 (collectively, “Plaintiffs”). I respectfully submit this Declaration in support of the Motion to Appoint  
6 Interim Class Counsel. I have personal knowledge of the matters set forth herein, and could and would  
7 testify competently thereto if called upon to do so.

8 2. I support the appointment of the law firms of Bartlit Beck LLP and Korein Tillery LLC  
9 as co-lead interim class counsel, with my firm, Milberg, serving as Discovery Liaison and the firm of  
10 Pritzker Levine, LLP serving as local Liaison counsel, for the consolidated proposed consumer class in  
11 *Carr, et al. v. Google LLC, et al.*, 3:20-cv-05761-JD (“Carr”), and *Bentley, et al. v. Google, LLC, et al.*,  
12 4:20-cv-07079-JD (“Bentley”).

13 3. Korein Tillery, LLC and Bartlit Beck LLP filed *Carr*, the first consumer class action, on  
14 August 16, 2020. On October 9, 2020, Milberg filed *Bentley*, the second consumer class action in this  
15 matter. On October 26, 2020, *Bentley* was related to *Epic Games, Inc. v. Google, LLC, et al.*, 3:20-cv-  
16 05671-JD. Pritzker Levine, LLP filed *Carroll, et al. v. Google LLC, et al.*, 3:20-cv-07379-SK on October  
17 21, 2020.

18 4. I am well-qualified to serve as Discovery Liaison Counsel for consumers in this matter. I  
19 have served as lead and co-lead counsel, on executive committees, in other antitrust cases and class  
20 actions, am well-versed in applicable law, and will draw on my substantial discovery knowledge and  
21 experience to effectively serve as Discovery Liaison Counsel.

22 5. Since Milberg filed the *Bentley* complaint, I have worked collaboratively with attorneys  
23 at Korein Tillery and Bartlit Beck, contributing to the consumer consolidated class action complaint filed  
24 on October 21 (*Bentley* Dkt. No. 16), including retaining additional plaintiffs.

25 6. I have also worked collegially with defense counsel and app developer counsel, to advance  
26 the litigation, participating in several teleconferences and editing the various discovery documents  
27

1 recently filed.

2       7. I am committed to coordinating discovery efforts with the various plaintiffs' counsel and  
 3 Google in order to facilitate the progress of the case and to avoid unnecessary duplication and expense.  
 4 Milberg is a global plaintiffs' complex litigation firm, with prominent class action and antitrust practices,  
 5 that has obtained extraordinary results for class members. The firm has a long history of working  
 6 collaboratively with other firms to achieve favorable results for its clients and the firm's Antitrust Practice  
 7 Group prosecutes large, complex antitrust and trade regulation class actions and other cases that target  
 8 some of the most powerful and well-funded corporate interests in the world. Milberg has a wealth of  
 9 discovery experience in complex antitrust cases.

10     8. I am a seasoned practitioner, with over three decades of extensive experience in all aspects  
 11 of litigation — from case development, pleadings, motion practice, fact and expert discovery, settlement  
 12 negotiations, and trial — in complex class action antitrust, commodities, and securities matters. In the  
 13 last six years I have tried and served as co-lead trial counsel in two jury trials to verdict, with my most  
 14 recent trial in 2016. I was one of the co-lead trial attorneys who successfully obtained a jury verdict  
 15 against R.J. Reynolds in Florida state court in 2013, which verdict was sustained on appeal. *R.J. Reynolds*  
 16 *Tobacco Co. v. Hiott*, 129 So. 3d 473 (Fla. Dist. Ct. App. 2014).

17     9. Currently, I am appointed Interim Lead Counsel on behalf of a nationwide class of auto  
 18 dealerships in a class action alleging that leading software providers conspired to monopolize access to  
 19 auto sales and service data software used by auto dealerships against the two leading providers of dealer  
 20 management systems, CDK Global, LLC and The Reynolds & Reynolds Company. *In re Dealer*  
 21 *Management Systems Antitrust Litig.*, 18-cv-00864 (N.D. Ill.). The case has already yielded a \$29.5  
 22 million settlement on behalf of the auto dealers class with one of the defendants, and discovery included  
 23 over 90 depositions taken in a five-month period and the management and review of close to two million  
 24 documents.

25     10. I am also currently the discovery point person for end user plaintiffs in leading the meet  
 26 and confers for Requests for Production and Interrogatories with one of the two defendants in *In re: Hard*  
 27

1 *Disk Drive Suspension Assemblies Antitrust Litig.*, MDL No. 2918 (N.D. Cal.), an antitrust class action  
 2 alleging that the two largest manufacturers of hard disk drive suspension assemblies illegally conspired  
 3 to fix prices. I also represent contact lens purchaser plaintiffs in *In re Contact Lens Antitrust Litig.*, 15-  
 4 md-2626 (M.D. Fl.), and have litigated numerous discovery issues and taken a substantial number of  
 5 depositions relating to a defendant that has now settled.

6 11. I have also actively participated in all phases of litigation on behalf of plaintiffs in other  
 7 significant antitrust and commodities litigation, including in this District; *see e.g.*, *In re Cathode Ray*  
 8 *Tube (CRT) Antitrust Litig.*, 07-cv-5944 (N.D. Cal.) (conducted depositions/trial preparation); *Church &*  
 9 *Dwight Co., Inc. v. Mayer Laboratories, Inc.*, C-10-04429 (N.D. Cal.) (oversaw and managed discovery  
 10 and conducted depositions); *In re NASDAQ Market-Makers Antitrust Litig.*, 187 F.R.D. 465 (S.D.N.Y.)  
 11 (participated in investigating and drafting claims and discovery, case settled for \$1,027,000,000);  
 12 *Blessing v. Sirius XM Radio, Inc.*, 09-cv-10035 (S.D.N.Y.) (worked on all discovery, summary judgment  
 13 and trial matters, including conducting depositions); *In re Microsoft Litig.*, MDL 1332 (D. Md.)  
 14 (conducted depositions resulting in favorable partial settlements); *In re Sumitomo Copper Litig.*, 74 F.  
 15 Supp. 2d 393, 395 (S.D.N.Y) (conducted and defended numerous depositions (including experts), and  
 16 conducted substantial discovery in Hong Kong and Tokyo, where “[t]he recovery is the largest class  
 17 action recovery in the 75 plus year history of the Commodity Exchange Act.”); *Leider v. Ralfe*, 01-cv-  
 18 3137 (S.D.N.Y.) (drafted complaint (along with partner) alleging price-fixing and monopolization in the  
 19 diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief);  
 20 and *In re Natural Gas Commodities Litig.*, 03-cv-6186 (S.D.N.Y.) (worked on all phases of discovery in  
 21 a \$101 million settlement).

22 12. I also served as one of three partners at Lovell Stewart who led the firm's litigation on  
 23 behalf of plaintiffs in both the securities and antitrust class actions in *In re Initial Public Offering*  
 24 *Securities Litig.*, 21 MC 92 (S.D.N.Y.), one of the largest federal securities litigations then in history,  
 25 which involved the coordination of 309 separate class actions, with hundreds of defendants, including 55  
 26 investment banks, and tens of millions of pages of electronic records. I was personally responsible for  
 27

1 prosecuting certain investment bank defendants, and led a team working directly with experts throughout  
 2 the litigation conducting numerous depositions. After approximately ten years of litigation, the case  
 3 settled for \$586 million.

4       13. I have worked collaboratively with other plaintiffs' attorneys in all the cases described  
 5 herein, and take pride in the positive relationships I have developed with other attorneys, both for  
 6 plaintiffs and defense. I am cognizant of the respect and deference this Court requires of its practitioners  
 7 in conducting themselves before the Court.

8       14. As a member of the New York State Bar Association's Antitrust Committee for many  
 9 years, I have served as both a speaker and panelist. I have served twice on the advisory board of  
 10 Competition Law360, and am a member of the American Association of Justice and the Pound Institute  
 11 where I currently serve as a trustee. I have been recognized as a New York Metro "Super Lawyer" from  
 12 2016 to the present, with a primary practice in Antitrust, an honor reserved for those lawyers who exhibit  
 13 excellence in practice. Only five percent of attorneys in the New York Metro area receive this distinction.  
 14 I have also been recommended in the Legal 500 in the United States for 2016. I recently published the  
 15 article, *Challenging "Attorneys' Eyes Only" and Improper Categorical Privilege Logs*, in Trial  
 16 magazine. Perhaps most importantly, I place value on working with those who are considering the legal  
 17 profession by volunteering at a local high school to assist students with their law academy trial team, and  
 18 to prepare them for national mock trial competitions. I also judge mock trial competitions, most recently  
 19 at Yale College.

20       15. I will be assisted in discovery efforts by members of Milberg's Antitrust Practice Group  
 21 and my team will include Elizabeth McKenna, a partner at the firm with over twenty years as a litigator,  
 22 advocating on behalf of victims of anticompetitive and unfair business practices in numerous complex  
 23 class actions. Ms. McKenna plays an integral role as part of the *DMS* Litigation team, and was part of  
 24 the team appointed co-lead counsel for Indirect Purchaser Plaintiffs in agricultural cooperative antitrust  
 25 litigations, *In re Fresh & Process Potatoes Antitrust Litig.*, 10-md-2186 (D. Idaho), and *In re Processed*  
 26 *Egg Products Antitrust Litig.*, 2:08-md-2002 (E.D. Pa.). Ms. McKenna's other antitrust experience

includes substantial contributions to *Blessing v. Sirius XM Radio Inc.*, 09-cv-10035 (S.D.N.Y.); *In re Cathode Ray Tube (CRT) Antitrust Litig.*, 07-cv-5944 (N.D. Ca.); and *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-2687 (D.N.J.). A true and correct copy of the firm's antitrust resume and attorney biographies are attached as **Exhibit A**. I will be assisted by other members of Milberg's Antitrust Group, whose bios are also found in **Exhibit A**.

16. Synergy among counsel is essential to efficiently and effectively prosecute this case. I am well-aware that “the added demands and burdens of complex litigation place a premium on professionalism” and “[a]n attitude by counsel of cooperation, professional courtesy, and acceptance of the obligations owed as officers of the court is critical to successful management of the litigation.” Manual, Authors Comments, Role of Counsel (§ 10.21) at 23. My team and I respect the gravity of judicial appointments, and I am committed to working cooperatively with other attorneys as Discovery Liaison Counsel. If appointed, my team and I will “perform their obligations as advocates in a manner that will foster and sustain good working relations among themselves and with the court.” *Id.*

17. I will ensure that cooperation, courtesy and professionalism will be the hallmark of discovery throughout this litigation. I am aware of the need for clear and definitive records to be prepared as fees and costs are incurred in order to accurately account for all legal work done on behalf of the class, and will implement policies and procedures to ensure accuracy, efficiency and prevent duplication of any legal work. As with other litigations where I have been responsible for discovery, I understand that if appointed, I will be held accountable for the overall conduct of the litigation.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Birmingham, Alabama, this 28th day of October, 2020.

/s/ Peggy J. Wedgworth  
Peggy J. Wedgworth

# EXHIBIT A



## THE FIRM'S PRACTICE AND ACHIEVEMENTS

**MILBERG PHILLIPS GROSSMAN LLP ("MPG") IS A LEADING GLOBAL PLAINTIFFS' FIRM,** successfully pioneering and litigating complex litigations in the following practice areas: class actions, antitrust and competition law, securities fraud, consumer protection, cyber security and data breach litigation, financial and insurance litigation, environmental law, and securities litigation, and whistleblower/Qui Tam. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride themselves on providing stellar service and achieving extraordinary results for their clients.

Milberg was founded in 1965, taking the lead in landmark cases that have set groundbreaking legal precedents and prompted changes in corporate governance benefiting shareholders and consumers. For over 50 years, the firm has protected victims' rights, recovering over \$50 billion in verdicts and settlements. Milberg was one of the first law firms to prosecute class actions in federal courts on behalf of investors and consumers. The firm pioneered this type of litigation and became widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing.

In 2018, Milberg merged with Sanders Phillips Grossman LLC, a plaintiffs' class action and mass torts firm providing exemplary legal representation in the practice areas of defective drugs, defective medical devices, consumer fraud, class actions, catastrophic injury, and toxic exposure. As a nationally recognized leading plaintiffs' law firm for the past three decades, the firm and its predecessors have recovered more than one billion dollars for injured consumers. Sanders Phillips Grossman has offices in Seattle, Los Angeles, and Puerto Rico.

MPG is headquartered in New York City, with 21 attorneys as well as a team of non-lawyer professionals, with offices in Seattle and Los Angeles. Internationally, the firm handles complex litigation in South America and Europe, with an emphasis on the United Kingdom and the Netherlands.

The firm's reputation has been built by successfully taking on challenging cases across a spectrum of practice areas for the past half-century. From resolving business disputes to proving antitrust conspiracies, MPG is equipped to handle complex, high-stakes cases at any stage of the litigation process.

The firm's lawyers have been regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among others.

## ***Highlighted Practice Area: ANTITRUST AND COMPETITION LAW***

### **IN A WORLD WHERE INCREASINGLY CONSOLIDATED CORPORATE ENTITIES EXERCISE EVER-GREATER MARKET**

**POWER**, proper enforcement of antitrust law is necessary to ensure a competitive marketplace. Maintaining competition promotes lower prices, higher quality products, and services, and encourages greater innovation. MPG prosecutes large complex antitrust class actions against some of the world's largest and most well-funded corporate defendants in sectors such as healthcare, technology, agriculture, and manufacturing. Our leading practitioners successfully represent plaintiffs affected by anticompetitive conduct such as price-fixing, monopolization, monopoly leveraging, tying arrangements, exclusive dealing, and refusals to deal.

The globalization of business operations and markets means that anticompetitive acts are frequently not limited to just one country. With offices in the United States and Europe, our Antitrust Practice Group is building an international presence that enables us to provide global strategic advice and representation on antitrust violations involving multiple jurisdictions. Antitrust Practice Group practitioners combine deep knowledge of antitrust rules and regulations with unmatched expertise in trial strategy in advocating the optimal remedies for consumers, businesses, and investors harmed by anticompetitive behavior.

The firm, and Antitrust Chair, Peggy J. Wedgworth, are appointed Lead Counsel for auto dealerships in *In re Dealer Management Systems Antitrust Litigation*, a nationwide class action alleging that leading software providers conspired to monopolize access to auto sales and service data software used by auto dealerships, that has already yielded a \$29.5 million settlement with one defendant. The Antitrust Practice Group continues to act in a number of significant and ongoing antitrust class actions, including *In re Liquid Aluminum Sulfate Antitrust Litigation*, in which the firm holds a court-appointed Plaintiffs' Steering Committee position in a case alleging artificial price inflation by manufacturers of a chemical essential to municipal water treatment, *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, an antitrust class action alleging that the two largest manufacturers of hard disk drive suspension assemblies illegally conspired to fix prices; *In re California Gasoline Spot Market Antitrust Litigation*, an antitrust class action filed on behalf of California consumers of gasoline who were forced to pay supra-competitive prices for gasoline due to the manipulation of the California gasoline spot market; *In re Disposable Contact Lens Antitrust Litigation*, a class action alleging that contact lens manufacturers conspired to maintain artificially high prices for disposable contact lenses; and *In Re: Cathode Ray Tube (CRT) Antitrust Litigation*, a class action alleging an international conspiracy to keep prices for CRT displays artificially high.

Milberg has also played a significant role in other antitrust class action cases, including serving as Co-Lead Counsel in *Blessing v. Sirius XM Radio Inc.*, a case alleging that the merger of two U.S. satellite radio providers led to the monopolization of the satellite radio market and the elimination of competition. The firm achieved a settlement for the class valued at \$180 million. We also served as Co-Lead Counsel in the *Sandhaus v. Bayer AG* case, alleging that Bayer and several generic drug manufacturers entered into pay-for-delay agreements concerning an antibiotic marketed by Bayer which caused the plaintiffs to continue paying supra-competitive prices for the drug throughout the class period. We secured the largest consumer recovery from a pay-for-delay case in Kansas: a \$9 million settlement. The firm also served as Co-Lead Counsel for indirect purchaser plaintiffs in *In re Fresh and Process Potatoes Antitrust Litigation*, a class action alleging that potato growers, their cooperatives, processors, and packers violated federal antitrust laws by conspiring to manipulate the price and supply of potatoes. The firm settled the case for \$5.5 million, plus important injunctive relief.

MPG will continue working aggressively to vindicate the rights of plaintiffs victimized by antitrust violations and hold companies that engage in anticompetitive behavior accountable.

## ANTITRUST and COMPETITION LAW PRACTICE GROUP

### ***Managing Partner and Chair of the Antitrust Practice Group***

**PEGGY J. WEDGWORTH** is a managing partner and Chair of the MPG Antitrust Practice Group. She was an Assistant District Attorney in Brooklyn, New York from 1986 to 1989. Since leaving the public sector in 1989, she has handled numerous securities, commodities, antitrust and whistleblower matters, and is a Super Lawyer in New York, New York since 2015.

Ms. Wedgworth is currently serving as lead class counsel on behalf of auto dealerships, and co-lead counsel in a major antitrust MDL against the two leading providers of dealer management systems. *See In re Dealer Management Systems Antitrust Litig.*, MDL No. 2817 (N.D. Ill.).

Ms. Wedgworth also represents consumers in *In re Contact Lens Antitrust Litig.*, and actively litigated *In re Initial Public Offering Securities Litig.* for over five years, which settled for \$586 million, and *In re Merck & Co. Securities Litig.*, which had a combined settlement totaling \$1.062 billion. She also won a jury trial against R.J. Reynolds in a wrongful death tobacco case in Florida state court.

Ms. Wedgworth has litigated antitrust and commodities class actions on behalf of plaintiffs including extensive experience in all aspects of pre-trial discovery in, among other cases, *In re Brand Name Prescription Drugs Antitrust Litig.*, No. 94-897, 1996 WL 351180 (N.D. Ill. June 24, 1996) (approving \$351 million settlement); *In re NASDAQ Market-Makers Antitrust Litig.*, 187 F.R.D. 465 (S.D.N.Y.) (\$1,027,000,000 settlement); *In re Microsoft Litig.*, MDL 1332 (D. Md.) (consolidated class actions alleging long term unlawful maintenance of a monopoly and other anticompetitive conduct by Microsoft resulting favorable partial settlements); *In re Soybean Futures Litig.*, No. 89-7009 (N.D. Ill.) (\$21,500,000 class settlement providing claiming

class members/soybean futures traders a full recovery under plaintiffs' expert's formula); *In re Sumitomo Copper Litig.*, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the

Commodity Exchange Act."); *Kohen v. Pacific Investment Management Co., LLC*, No. 05-4681 (N.D. Ill.) (certified class of treasury bond futures purchasers alleging manipulation of the futures market); *Leider v. Ralfe*, No. 01-cv-3137 (S.D.N.Y.) (alleging price-fixing and monopolization in the diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief); and *In re Natural Gas Commodities Litig.*, 03-6186 (S.D.N.Y.) (\$101 million settlement).

Ms. Wedgworth regularly speaks on topics relating to antitrust litigation, multi-district litigation and class action issues, and consumer matters. She is a member of the New York State Bar Association's Antitrust Committee, where she has served as both a speaker and panelist, and the American Bar Association, Antitrust Committee, and a member of the American Association of Justice, and has recently published an article in the December 2019 issue of *Trial* magazine entitled, *Challenging "Attorneys' Eyes Only" and Improper Categorical Privilege Logs*.

## Partners

**DAVID AZAR** received his B.S. in Finance from Indiana University School of Business in 1991. He graduated from Duke University School of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif (top 10% of the class). While in law school, he served as a senior editor of Law and Contemporary Problems and was a member of the Moot Court Board. After law school, he clerked for Chief Justice Veasey of the Delaware Supreme Court.

Mr. Azar focuses his practice on class actions on behalf of defrauded investors and consumers, as well as disputes regarding contracts, partnerships, closely-held corporations, corporate governance, and other complex commercial matters for businesses and individuals. He also provides corporate counseling in pre-litigation and transactional matters, working with transactional or specialty counsel to provide a litigation perspective or to act as an outside general counsel.

Building upon his nine years of experience representing business enterprises and high-net-worth individuals at two of the most prominent business litigation firms (Quinn Emanuel and Sullivan & Cromwell), Mr. Azar has prosecuted several multiparty and other class actions that resulted in more than \$300 million in settlements during the past few years alone. Recent significant settlements include obtaining total recovery for investors of \$219 million against Bank of New York Mellon and Wells Fargo in a securities fraud/breach of contract action, which reflected one of the largest recoveries against indenture trustees in United States history. In addition, Mr. Azar was part of the team that served as co-lead counsel in an antitrust class action resulting in \$86 million in settlements on behalf of airline passengers who alleged that Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and Korea. Mr. Azar's significant litigation experience includes first-chair trial and appellate work. He is co-

author of the chapters on LLC and partnership disputes in *Litigating and Judging California Business Entity Governance Disputes*, published by LexisNexis/Matthew Bender in 2019. He is also a contributing author to the chapter on discovery in *Antitrust Law Developments* (7th Edition), published by the ABA Section of Antitrust Law. Mr. Azar is also a co-founding president and board member of the California Discovery Law Initiative, a non-profit that is reviving a publicly accessible and free-to-use website regarding California discovery law practice and case law in conjunction with the Business Litigation Committee of the California Lawyers Association, of which he is an appointed member.

Mr. Azar serves as a volunteer prosecutor through the Los Angeles Bar Association's Trial Advocacy Project, and he has been named by Los Angeles Magazine as a Southern California Super Lawyers Rising Star. Mr. Azar has extensive knowledge of dispute resolution, having served as a mediator in more than 160 cases, and he has trained and reviewed other mediators. He served for five years as the editor of the quarterly publication of the Society of Professionals in Dispute Resolution, and was honored with the association's Presidential Recognition award.

**MATTHEW A. KUPILLAS** graduated from the State University of New York at Albany in 1990 with a B.A. degree in philosophy. In 1994, Mr. Kupillas received his J.D. degree from New York University School of Law. Mr. Kupillas focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation.

Mr. Kupillas' securities practice has included numerous complex litigations nationwide, including *In re Merck & Co., Inc. Securities Litigation*, which resulted in a \$1.062 billion recovery on behalf of injured investors; *In re Medical Capital Securities Litigation*; and *South Ferry LP #2 v. Killinger*. Mr.

Kupillas' antitrust practice includes, most recently, his work in *In re Dealer Management Systems Antitrust Litigation*, a nationwide class action brought on behalf of auto dealerships in the United States.

Mr. Kupillas is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Second and Tenth Circuits.

**ELIZABETH MCKENNA** has spent over 20 years as a litigator. She currently focuses her practice on antitrust cases involving price-fixing, unlawful monopolization, and other anticompetitive practices, as well as complex and class action consumer protection and privacy cases. Ms. McKenna also represents defrauded individuals and institutional investors in class and other representative actions involving complex financial issues.

Most recently, Ms. McKenna is part of the team appointed lead class counsel/MDL co-lead counsel representing auto dealerships against the two leading providers of dealer management systems, Company. *See In re Dealer Management Systems Antitrust Litig.*, MDL No. 2817 (N.D. Ill.). Ms. McKenna was also part of the team appointed co-lead counsel for Indirect Purchaser Plaintiffs in *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho), as well as *In re Processed Egg Products Antitrust Litig.*, No. 08-md-2002 (E.D. Pa.). Ms. McKenna's other antitrust experience includes substantial contributions to *Blessing v. Sirius XM Radio Inc.*, No. 09 CV 10035 (S.D.N.Y. 2010); *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D. Cal. 2013); and *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015).

Prior to joining the firm, Ms. McKenna worked as an attorney in the New York office of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced commercial litigation, as well as admiralty and maritime law.

Ms. McKenna graduated from Columbia University in with a B.A. degree in English, and a J.D. degree from Fordham Law School. While at Fordham, Ms. McKenna was a Stein Scholar in Public Interest Law & Ethics, a member of the Fordham Environmental Law Journal, and a Co-Director of the Fordham Student Sponsored Fellowship.

Ms. McKenna is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York.

**ROBERT WALLNER** has litigated complex securities, consumer and antitrust class actions throughout the country. He has represented plaintiffs in lawsuits arising out of the Madoff Ponzi scheme, including the court-appointed litigation trustee of two Madoff "feeder funds." He has also represented investors in *In re Merck & Co., Inc. Securities Litig.* (D.N.J.), which resulted in a \$1.062 billion recovery, *In re Initial Public Offering Securities Litig.* (S.D.N.Y.), *In re CMS Energy Corporation Securities Litig.* (E.D. Mich.), and *In re Deutsche Telekom AG Securities Litig.* (S.D.N.Y.), and consumers in *In re Synthroid Marketing Litig.* (N.D. Ill.) and the *Mercedes-Benz Tire Litig.* (D.N.J.).

Mr. Wallner is a frequent lecturer on securities and complex litigation issues. He has served on the editorial board of *Securities Litigation Report*, as a faculty member of the American Bar Association's First Annual National Institute on Securities Litigation and Arbitration, and as a member of the Federal Courts Committee of the Association of the Bar of the City of New York. He has been recognized in Lawdragon's "100 Lawyers You Need to Know in Securities Litigation."

Mr. Wallner received his B.A. degree from the University of Pennsylvania in 1976 graduating magna cum laude. He attended New York University School of Law, earning his J.D. degree in 1979. He was elected to the law school's Order of the Coif and served as an editor of the NYU Law Review.

### ***Of Counsel***

**SANFORD P. DUMAIN** attended Columbia University where he received his B.A. degree in 1978. He graduated cum laude from Benjamin N. Cardozo School of Law of Yeshiva University in 1981.

Mr. Dumain represents plaintiffs in cases involving securities fraud, consumer fraud, insurance fraud, and violations of the antitrust laws.

Mr. Dumain was co-lead counsel in *In re Tyco International Ltd., Securities Litigation* in which \$3.2 billion was recovered for investors. Mr. Dumain also served as lead counsel in the securities class actions against Nortel and Biovail, which are the highest and third highest recoveries ever in cases involving Canadian companies. The Nortel settlement was valued at over \$1 billion and Biovail settled for over \$138 million in cash. Mr. Dumain successfully represented the City of San Jose, California against 13 of the City's broker-dealers and its outside accountants in connection with major losses in unauthorized bond trading. Mr. Dumain currently holds a court-appointed position on the Plaintiffs' Steering Committee in *In re Liquid Aluminum Sulfate Antitrust Litigation*, a case alleging artificial price inflation by manufacturers of a chemical essential to municipal water treatment, with settlements valued at \$92.5 million.

Mr. Dumain began his career as a law clerk to Judge Warren W. Eginton, United States District Court for the District of Connecticut 1981-1982. During the early years of his practice, he also served as an Adjunct Instructor in Legal Writing and Moot Court at Benjamin N. Cardozo School of Law.

Mr. Dumain has lectured for ALI-CLE concerning accountants' liability and has prosecuted several actions against accounting firms.

Judge Janet C. Hall of the District of Connecticut made the following comment in *In re Fine Host Corporation Securities Litigation*, No. 97-2619 (D.Conn.): "The court also finds that the plaintiff class received excellent counseling, particularly from the Chair of the Plaintiffs' Executive Committee, Attorney Dumain."

Mr. Dumain is admitted to practice in the State of New York, United States District Court for the Southern, Eastern, and Western Districts of New York, District of Colorado, and District of Connecticut, and United States Courts of Appeals for the First, Second, Third, Sixth, Seventh, and Eighth Circuits.

### ***Senior Counsel***

**JOHN HUGHES** focuses his practice on antitrust and consumer protection law, as well as False Claims Act Litigation and e-Discovery. He is currently part of the MPG team that serves as lead counsel for an auto dealership class in *In Re Dealer Management Systems Antitrust Litigation*. He previously contributed to the firm's work in *In re Fresh & Process Potatoes Antitrust Litig.*, 10-md-2186 (D. Idaho), *In re Processed Egg Products Antitrust Litig.*, 08-md-2002 (E.D. Pa.), *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D. Ca. 2013), and *In Re: Disposable Contact Lens Antitrust Litig.*, 15-md-2626 (M.D. Fl.). Mr. Hughes graduated from Michigan State University with a B.A. in Political Science in 2005. And earned his J.D. degree from Wayne State University School of Law in 2012. Mr. Hughes is admitted to practice in Michigan.

During law school, Mr. Hughes served as Director of The Free Legal Aid Clinic in Detroit, Co-managing a facility that specializes in providing family and elder law services to city residents. Prior to joining MPG,

John helped lead a non-profit organization with a presence in New York City, Detroit, and Los Angeles providing legal support and business planning services to creative communities.

## **Associates**

**MICHAEL ACCIAVATTI** is an associate attorney and part of the team litigating team that serves as lead counsel for an auto dealership class in *In Re Dealer Management Systems Antitrust Litigation*. Prior to joining the firm, Mr. Acciavatti litigated mass tort and class action cases, representing plaintiffs who were injured by consumer fraud, defective medical devices, and harmful pharmaceuticals.

Mr. Acciavatti is a 2014 graduate of Widener University and was conferred a law degree at Drexel University, magna cum laude, in 2017. During law school, he was a member of the trial advocacy team, moot court board, and clerked in the U.S. District Court (E.D. Pa.)

Mr. Acciavatti is a member of the American Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is admitted to practice in courts in the Commonwealth of Pennsylvania.

**BLAKE HUNTER YAGMAN** is an associate attorney who practices consumer protection and antitrust law. Mr. Yagman represents defrauded consumers, business owners, and investors.

Prior to joining Milberg, Mr. Yagman litigated antitrust, consumer fraud, and securities fraud cases at a national plaintiffs' class action firm based in New York City. With respect to antitrust cases, Mr. Yagman has extensive experience in food industry-based antitrust actions; including experience in price-fixing cases against the tuna industry (*In re Packaged Seafood Antitrust*

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), the egg industry (*In re Processed Egg Products Antitrust Litigation*), and the broiler chicken industry (*In re Broiler Chicken Antitrust Litigation*). With respect to consumer fraud cases, Mr. Yagman has experience in technology-focused consumer actions, including working on the discovery team in case brought on behalf of Apple iPhone users (*In re Apple Inc. Device Performance Litigation*).

Before becoming an attorney, Mr. Yagman attended Cardozo Law School and worked throughout his enrollment as both a legal intern and as a sportswriter. As an intern, Mr. Yagman worked on class action consumer fraud cases as well as concussion litigation. Academically, Mr. Yagman completed a concentration program on intellectual property and data law. He also served as the Sports Law Society's Vice President. He also worked as a judicial intern in the Eleventh Circuit Court of the State of Florida for Judge Lawrence A. Schwartz, was elected twice to the University of Miami's student government senate, and ran for Vice President of the student body in 2013.

In March of 2017, Mr. Yagman moderated a panel at the Cardozo Sports Law Society symposium on the antitrust issues illuminated by *O'Bannon v. NCAA*. In September of 2020, Mr. Yagman guest lectured at Hofstra Law School on purchaser standing in private litigation as discussed by the Supreme Court of the United States in *Apple v. Pepper*. Mr. Yagman is a member of the New York City Bar Association's Antitrust Committee.